

July 13, 2004

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, July 13, 2004 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Lieu, McIntyre, Mauno, Nowatka, Scotto, Witkowsky, and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

Agenda Item 17 was considered out of order at this time.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Legal Counsel – Existing Litigation; 17 B) Real Property – Conference with Real Property Negotiator, and Redevelopment Agency Real Property – Conference with Real Property Negotiator pursuant to California Government Code Sections 549569(a) and 54956.8.

The Council reconvened in Council Chambers at 7:02 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

Councilmember Witkowsky gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Scotto moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember McIntyre, and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Nowatka announced that the Ad Hoc Legislative Committee would be meeting on Tuesday, August 14, at 4:30 p. m. in the Third Floor Assembly Room to discuss ballot propositions on the November ballot.

Councilmember Witkowsky announced that the Community Planning and Design Committee would be meeting on Monday, August 23, at 4:30 p.m. in the West Annex Commission Room to discuss the Mills Act and historical preservation.

Mayor Walker asked that the meeting be adjourned in memory of Joseph V. Knapp, auto parts storekeeper for the City's Fleet Services and Transit's warehouse, who passed away on June 27, 2004.

Mayor Walker announced that the Mills Corporation has formally withdrawn its application to build 917 condominiums at Del Amo Fashion Center; stated that the City was looking forward to working with the Mills Corporation and the community to find a viable option for this 16-acre parcel; and noted that no member of the City Council ever supported the application.

Mayor Walker reported he met with Mills Corporation management at the corporate headquarters in Virginia two weeks ago at their request and that the Mills Corporation made the travel arrangements and paid for them as he was already on the East Coast to attend a national conference. He stated that he believed the City should reimburse the Mills Corporation for this expense and asked, with the concurrence of the Council, that staff bring forward an item to do so.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2004-80 RE FIRE CAPTAIN DOUGLAS K. MATSON

RESOLUTION NO. 2004-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING FIRE CAPTAIN DOUGLAS K. MATSON UPON HIS RETIREMENT AFTER TWENTY-EIGHT YEARS OF SERVICE

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2004-80. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

To be presented at a later date.

7. CONSENT CALENDAR

7A. APPROVAL OF MINUTES – March 23, 2004, May 4, 2004, May 11, 2004, May 18, 2004, and May 25, 2004

7B. PLANNING COMMISSION 2003 ANNUAL REPORT

Recommendation

Recommendation of the **Planning Commission** and the **Community Development Director** that City Council accept and file the Planning Commission 2003 Annual Report.

7C. RENEWAL OF POLLUTION LIABILITY INSURANCE

Recommendation

Recommendation of the **Acting Public Works Director** and the **Human Resources Director** that City Council approve the renewal purchase of Non-Owned Disposal Site Pollution Liability Insurance, from Gulf Insurance, through Driver-Alliant Insurance Services, the City's insurance broker, at a premium of \$70,602. The policy period will be July 1, 2004 through June 30, 2005.

7D. STATUS REPORT RE 2004-05 LOS ANGELES COUNTY WORKFORCE INVESTMENT ACT PROGRAM FUNDING

Recommendation

Recommendation of the **Human Resources Director** that City Council accept and file the status report regarding the 2004-2005 Los Angeles County Workforce Investment Act (WIA) Program funding.

7E. PURCHASE OF PROPERTY INSURANCE FOR PERIOD OF JULY 1, 2004 – JUNE 30, 2005

Recommendation

Recommendation of the **Human Resources Director** that City Council approve the purchase property insurance at a premium of \$111,025.

7F. PURCHASE OF EXCESS WORKERS' COMPENSATION INSURANCE

Recommendation

Recommendation of the **Human Resources Director** that City Council approve the purchase of excess workers' compensation insurance from CSAC Excess Insurance Authority/American Reinsurance, through Driver-Alliant Insurance Services, the City's insurance broker, at a premium not to exceed \$150,816. The policy period will be from July 1, 2004 to June 30, 2005.

7G. RENEWAL OF EXCESS LIABILITY INSURANCE

Recommendation

Recommendation of the **Human Resources Director** that City Council approve the renewal purchase of excess liability insurance for the period of July 1, 2004 through June 30, 2005, from Driver-Alliant Insurance Services, at a premium of \$320,000.

7H. CONTRACT FOR RECORDING SECRETARY SERVICES

Recommendation

Recommendation of the **City Clerk** that City Council authorize a contract in an amount up to \$28,000 to K. Sue Sweet to provide minute taking and transcription services at a rate based on \$22/hour from July 1, 2004 through June 30, 2005.

7I. ACCEPTANCE/APPROPRIATION OF FRIENDS OF TORRANCE LIBRARY DONATION

Recommendation

Recommendation of the **City Librarian** that City Council accept and appropriate \$32,967.52 from the Friends of the Torrance Library to purchase educational software for the new youth services homework center on the upper level of the Katy Geissert Civic Center Library (\$28,217.52); for time-out software for controlling access to the homework and handicapped-accessible microcomputers on the upper level (\$4,000); and for materials and supplies for the upper level grand opening event (\$750).

Considered separately, see page 5.

7J. PURCHASE OF ELECTRONIC DATABASES

Recommendation

Recommendation of the **City Librarian** that City Council approve the sole source purchase of three electronic databases from EBSCO, Inc., for \$29,150.

7K. NARRATIVE AND FINANCIAL REPORTS FOR FY 2002-03 NON-PROFIT SOCIAL SERVICE AGENCY GRANT RECIPIENTS

Recommendation

Recommendation of the **Community Services Commission** and the **Parks and Recreation Director** that City Council:

- 1) Accept and file the narrative and financial reports of completed projects for the 2002-2003 Fiscal Year Non-Profit Social Services Agency Grant recipients; and
- 2) Direct staff to appropriate \$2,500 returned from Enrichment through Employment to the General Fund Community Services Commission Grant Program budget for the 2004-2005 Fiscal Year.

7L. REVENUE SHARING AGREEMENT WITH MURPHY SU'A RE WILSON PARK BATTING CAGE FACILITY

Recommendation

Recommendation of the **Parks and Recreation Director** that City Council approve a revenue sharing agreement with Murphy Su'a, dba South Bay Baseball Academy, to provide baseball and softball instruction at the Wilson Park batting cage facility for a not to exceed amount of \$131,625.

Considered separately, see page 6.

7M. PUBLIC WORKS AGREEMENT AMENDMENT RE PIMA CORPORATION

Recommendation

Recommendation of the **Acting Public Works Director** that City Council:

- 1) Approve an amendment to public works agreement with Pima Corporation (C2003-091) for a nine-month time extension to March 4, 2005, to provide sufficient time for slope maintenance and plant establishment for the WALTERIA Reservoir Landscaping and Slope Stability, CIP A-21; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said amendment.

7N. VENDOR CONTRACT RE TRAFFIC CONTROL EQUIPMENT

Recommendation

Recommendation of the **Acting Public Works Director** that City Council authorize a vendor contract to be issued to Econolite Control Products of Anaheim, CA in an amount not to exceed \$90,000, for the sole source purchase of traffic control equipment and signal hardware on an as needed basis.

7O. PURCHASE ORDER RE PERVO BRAND TRAFFIC PAINT

Recommendation

Recommendation of the **Acting Public Works Director** that City Council authorize a purchase order to be issued to Pervo Paint of Los Angeles, CA in an amount not to exceed \$60,000, for the sole source purchase of Pervo brand traffic paint on an as needed basis, from July 13, 2004 through July 12, 2005.

7P. SUBSIDY OF RENTAL FEES FOR EMPLOYEE VARIETY SHOW

Recommendation

Recommendation of the **City Manager** that City Council subsidize the rental fees at the James Armstrong Theatre in the amount of \$1,320 for the City of Torrance Employee Variety Show.

7Q. FIRST AMENDMENT TO ROBINSON HELICOPTER LEASE

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to a first amendment to lease by and between the City of Torrance, a Municipal Corporation (City) and Robinson Helicopter Company, Inc., a California Corporation (Robinson) to add 14,455 square feet of City-owned property into their current lease area.

7R. UPGRADE OF 9-1-1 PUBLIC SAFETY ANSWERING POINT SYSTEM

Recommendation

Recommendation of the **Information Technology Director** and the **Fire Chief** that City Council approve the expenditure of \$108,360.84 to purchase a 9-1-1 Public Safety Answering Point (PSAP) system (FEAP #466) to upgrade the existing Fire Department's three-operator-position PSAP system.

City Manager's Note: The PSAP system upgrade will feature the following equipment and services.

Equipment: PBX & controller components \$17, 400; servers, computers, and monitors \$18,300; software \$26,500; misc. install materials \$18,000; backroom items & cable \$6,600; workstation support items \$3,300; and UPS & switch \$6,000. Services: Plant equipment, Inc. \$5,800 and SBC, Inc. services \$6,000.

7S. SALE OF A PORTION OF BISHOP MONTGOMERY SUMP

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to a grant deed for the sale of 26.34 square feet of City-owned property located at the northerly section of the Bishop Montgomery Sump adjacent to property located at 5334 Torrance Boulevard and owned by Yoichi Komiyama and Hiromi Komiyama for the sum of \$3,337.80.

MOTION: Councilmember McIntyre moved for the adoption of Consent Calendar Items 7A through 7S, with the exception of 7I and 7L. The motion was seconded by Councilmember Witkowski and passed by unanimous roll call vote.

Consent Calendar Items 7I and 7L were considered at this time.

7I. ACCEPTANCE/APPROPRIATION OF FRIENDS OF TORRANCE LIBRARY DONATION

Recommendation

Recommendation of the **City Librarian** that City Council accept and appropriate \$32,967.52 from the Friends of the Torrance Library to purchase educational software for the new youth services homework center on the upper level of the Katy Geissert Civic Center Library (\$28,217.52); for time-out software for controlling access to the homework and handicapped-accessible microcomputers on the upper level (\$4,000); and for materials and supplies for the upper level grand opening event (\$750).

Councilmember Nowatka stated that he wanted to call attention to this donation by the Friends of Torrance Library and to thank them for their support.

MOTION: Councilmember Nowatka moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowski and passed by unanimous roll call vote.

7L. REVENUE SHARING AGREEMENT WITH MURPHY SU'A RE WILSON PARK BATTING CAGE FACILITY

Recommendation

Recommendation of the **Parks and Recreation Director** that City Council approve a revenue sharing agreement with Murphy Su'a, dba South Bay Baseball Academy, to provide baseball and softball instruction at the Wilson Park batting cage facility for a not to exceed amount of \$131,625.

Councilmember Scotto stated that he wanted to call attention to the fact that the batting cages and the skate park at Wilson Park are back in operation.

Parks and Recreation Director Barnett reported that these facilities reopened on July 9, noting that the skate park had 343 participants in the first 3 days. He explained that reduced rates for the skate park are available with the purchase of a membership with details available by calling the Parks and Recreation Department at 310.618.2930 or visiting the department's web page at www.tprd.toronet.com.

Parks and Recreation Director Barnett outlined the proposed revenue sharing agreement with Murphy Su'a, who will be giving baseball/softball lessons at the batting cages, explaining that the City will receive 25% and Mr. Su'a will receive 75% of the revenues generated by his program.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

9. PLANNING AND ECONOMIC DEVELOPMENT

9A. GENERAL PLAN UPDATE

Recommendation

Recommendation of the **Community Development Director** that City Council continue to review and concur with the strategy to amend the City's Comprehensive General Plan. Funding: Facilities, Equipment, Automation Project (FEAP #366) of approximately \$400,000 is available.

Sr. Planning Associate Chun reported that in response to the Council's request at the June 22, 2004 meeting, staff had provided the requested information regarding the estimated cost to have a consultant prepare the General Plan update, the possibility of including additional elements, and the availability of funding. She stated that staff was recommending that the Council approve Option No. 1, which would redirect staff time to focus on the General Plan update and allow for the use of consultants for specific areas of the project to expedite the process.

Responding to questions from the Council regarding the cost estimates, Community Development Director Gibson explained that staff contacted firms that they were confident would do an adequate job and asked them to provide an informal estimate for preparing the General Plan update. He noted that a Request for Proposal (RFP) would be prepared should the Council choose to have the update done by a consultant in order to obtain a larger pool of candidates and more competitive pricing. He advised that the update would consist of the seven mandatory elements; that there may be some combining of elements; and that staff was not recommending going forward with additional elements at this time.

Councilmember Witkowsky voiced support for the staff recommendation, stating that she was very pleased with the list of projects staff was undertaking, particularly the Redevelopment section (per agenda material).

Mayor Walker also voiced support for the staff recommendation, stating that he did not favor having an outside firm prepare the General Plan update because they would not have the history that City staff has in the community.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation and Option 1 (redirect staff time to focus on General Plan update with the assistance of consultants as needed). The motion was seconded by Councilmember Lieu and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. STATE OF LOCAL EMERGENCY RE CAROLWOOD LANE AND SINGINGWOOD DRIVE

Recommendation

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11B. ADOPTION OF REVISED PAY RESOLUTIONS

Recommendation

Recommendation of the **City Manager** that City Council adopt the following:

- 1) A successor Memorandum of Understanding resolution for employees represented by Torrance Recurrent Recreation Employees Organization (TRREO) including a pay increase for all employees of 2.32%;
- 2) Revised pay resolution for Certain Full Time Salaried and Hourly Employees with increases to all grids of 2.32% and adding the Retirement Health Savings Plan;
- 3) Revised pay resolution for Certain Part Time Hourly Employees with increases to all grids of 2.32%;
- 4) Revised pay resolution for Executive and Management Employees increasing the reference points by the CPI of 3.8% (This modifies the pay ranges, but all pay increases are on merit); and
- 5) Revised pay resolution for Elected Officials with a 2.32% increase to the pay for the City Clerk and the City Treasurer.

Assistant to the City Manager Keane noted supplemental material available at the meeting consisting of minor corrections to the resolutions. She advised that all resolutions were prepared pursuant to the Council's instructions.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

RESOLUTION NO. 2004-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE RECURRENT RECREATION EMPLOYEES (TRREO) FOR THE PERIOD OF JUNE 27, 2004 THROUGH JUNE 30, 2005 AND REPEALING RESOLUTION NO. 2003-117

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-81. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

RESOLUTION NO. 2004-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES FOR JUNE 27, 2004 THROUGH JUNE 30, 2005 AND REPEALING RESOLUTION NO. 2002-77

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-82. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2004-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN PART TIME EMPLOYEES FOR JUNE 27, 2004 THROUGH JUNE 30, 2005 AND REPEALING RESOLUTION NO. 2002-78

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-83. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2004-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES EFFECTIVE JUNE 27, 2004 AND REPEALING RESOLUTION NO. 2003-98

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-84. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2004-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR ELECTED OFFICIALS AND REPEALING RESOLUTION NO. 2003-134

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-85. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11C. ECONOMIC DEVELOPMENT PLAN AND BUSINESS VISITATION SCHEDULE

Recommendation

Recommendation of the **City Manager** and the **Economic Development Team** that City Council accept and file the following:

- 1) City of Torrance Economic Development Plan; and
- 2) Economic Development Team's Annual Business Visitation Schedule for Fiscal Year 2004-2005.

With the aid of slides, Economic Development Chair Wren reviewed the City of Torrance Economic Development Plan which was designed to promote the creation, retention and expansion of local businesses. She outlined the plan's goals and objectives; introduced Economic Development Team Members; and discussed efforts to expand marketing and outreach, provide economic development assistance, and nurture local businesses.

Councilmember Witkowsky reported that at a recent South Bay Cities Council of Governments (SBCCOG) meeting, there was discussion of a new feature on the City of Carson's website which lists commercial properties available for lease or sale. She questioned whether the City's Economic Development Team has discussed adding this feature to the City's website, relating her understanding that SBCCOG was considering implementing this program with the cost included in membership fees for the first year.

Ms. Wren stated that SBCCOG has been investigating Site Selection Database software for approximately one year and that staff has requested that funding be set aside for this software (Agenda Item 11D) in the event SBCCOG does not go forward with plans to partner with member cities.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11D. COMPUTER SOFTWARE FOR ECONOMIC DEVELOPMENT PROGRAM

Recommendation

Recommendation of the **City Manager** and the **Economic Development Team** that City Council appropriate \$95,000 to fund two capital improvement projects for computer software to support the City's Economic Development Program.

- Contact Management Software \$35,000 (FEAP #481)
- Site Selection Software \$60,000 (FEAP #482)

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

12. HEARINGS

**12A. CUP04-00013, PRE04-00008, DIV04-00010: THOMAS FITZPATRICK
(CHARLES BELAK-BERGER)**

Recommendation

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council adopt resolutions denying an appeal of the Planning Commission's approval, and approve as conditioned, a Conditional Use Permit (CUP04-00013) and Precise Plan of Development (PRE04-00008) to allow the construction of a two-unit condominium development and a Division of Lot (DIV04-00010) for condominium purposes on property located in the R-2 PP Zone at 3511 Newton Street.

CUP04-00013, PRE04-00008, DIV04-00010, THOMAS FITZPATRICK (Charles Belak-Berger)

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Planning Manager Isomoto briefly described the proposed two-unit condominium project. She noted that the Planning Commission approved the project by a vote of 6-0, with one Commissioner absent, and the approval was subsequently appealed by the owners of an adjacent property, citing concerns about the project's design and lot division and the impact on privacy, air, light, traffic congestion, and parking.

In response to Councilmember Witkowsky's inquiry, Planning Manager Isomoto confirmed that the two garages would take access from the alley thereby preserving street parking on Newton Street.

Thomas Corcovelos, 1001 Sixth Street, #150, Manhattan Beach, representing the appellants, Rick and Heidi Taylor, 3507 Newton Street, reported that his clients are concerned about the project's design because it has two units side-by-side while other lots with two units have one in front and one in back, which creates the appearance of a single-family residence when viewed from the street and better conforms to the rest of the neighborhood. He stated that his clients would like all the windows facing their property to have some type of privacy glass, not just the stairwell window as recommended by staff, and a solid permanent privacy shield on the east side of the balcony. He explained that staff has included a condition requiring the applicant to provide a screened area for trash containers, however, the trash system for this type of building does not employ rolling bins that can be screened behind a partition. He proposed instead that the applicant be required to install some type of barrier so that trash containers do not end up on his client's property.

Planning Manager Isomoto recommended that the condition regarding the trash enclosure be amended as follows: That a ~~screened~~ designated area shall be provided for the storage of trash containers to the satisfaction of the Community Development Director.

Councilmember Mauno stated that he observed a great deal of landscaping on the west side of the Taylors' property and there did not appear to be any privacy issues. Mr. Corcovelos reported that the foliage would not alleviate privacy concerns.

Thomas Fitzpatrick, applicant, voiced his opinion that having the units side by side with each having a front door on Newton and a garage in back was preferable to having one unit in front and one in back. He noted that the project meets all standards and requirements and asked that the Council deny the appeal and approve the project.

In response to Councilmember Witkowsky's inquiry, Planning Manager Isomoto provided clarification regarding the property line fence and east-facing windows. She noted that the bathroom windows on the second floor would have obscured glass and the bedroom windows would have higher than normal sill heights.

Councilmember Witkowsky stated that she did not believe there would be any loss of privacy because the property line fence would obscure the view from windows on the first floor and someone would have to stand on a stool to see into the Taylors' property from windows on the second floor.

Councilmember Mauno agreed and pointed out that the proposed project is not located in the Hillside Overlay District and therefore not subject to provisions of the Hillside Ordinance, which protect the view, light, air and privacy of neighbors.

Indicating that he would not support the project, Councilmember Lieu stated that he was concerned about the impact on privacy and about setting a precedent by allowing a single-family home to be demolished and replaced with two units thereby changing the character of the neighborhood.

Mayor Walker noted that the project is consistent with the property's R-2 zoning, which allows for two units, and meets all Code requirements. He voiced his opinion that the project is well designed and will not be detrimental to the neighborhood. He pointed out that there are homes throughout the City with windows facing neighboring properties and the privacy issue is dealt with through the use of window coverings.

MOTION: Councilmember Witkowsky moved to close the public hearing. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

MOTION: Councilmember Witkowsky moved to deny the appeal and approve the project. The motion was seconded by Councilmember Mauno and passed by a 6-1 roll call vote, with Councilmember Lieu dissenting.

RESOLUTION NO. 2004-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-UNIT CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-2 PP ZONE AT 3511 NEWTON STREET

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-86. The motion was seconded by Councilmember Witkowsky and passed by a 6-1 roll call vote, with Councilmember Lieu dissenting.

RESOLUTION NO. 2004-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A PRECISE PLAN OF DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A TWO-UNIT CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-2 PP ZONE AT 3511 NEWTON STREET

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-87. The motion was seconded by Councilmember Witkowsky and passed by a 6-1 roll call vote, with Councilmember Lieu dissenting.

RESOLUTION NO. 2004-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A DIVISION OF LOT TO ALLOW THE SUBDIVISION OF ONE (1) LOT FOR CONDOMINIUM PURPOSES ON PROPERTY LOCATED IN THE R-2 PP ZONE AT 3511 NEWTON STREET

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-88. The motion was seconded by Councilmember Witkowsky and passed by a 6-1 roll call vote, with Councilmember Lieu dissenting.

12B. DRAFT BODY ART ESTABLISHMENT ORDINANCE

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Adopt an ordinance amending:
 - a) Chapter 5, Article 3 of Division 9 (Conditional Uses & Development Standards) of the Torrance Municipal Code (TMC) by adding a new Section 95.3.47 to add body art establishments as a conditionally permitted use in the commercial and industrial zones, including the Hospital-Medical-Dental (HMD) Districts, but requires that such use not be located within 300 feet of any property that is either developed or used for residences, or an educational institution serving persons under 21 years of age, or another body art establishment;
 - b) Chapter 1, Article 2 of Division 9 of the TMC by adding new Sections 91.2.170, 91.2.171, 91.2.172, and, 91.2.173 to add definitions related to Body Art Establishments;
 - c) Chapter 1, Article 2 of Division 9 of the TMC deleting Section 91.2.146 (Tattoo Parlor) in its entirety;
 - d) Chapter 5, Article 6 of Division 4 (Public Health & Welfare) of the TMC deleting the section prohibiting tattooing in its entirety; and
- 2) Approve an **Ordinance Summary** for publication – LUS04-00002.

The **Planning Commission** recommends the above recommendation with an added prohibition that body art establishments not be permitted within 300 feet of religious facilities or properties located within the HMD District.

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Sr. Planning Associate Chun stated that the draft ordinance was prepared in response to a lawsuit; that the Torrance Municipal Code currently prohibits tattoo establishments; and that the proposed ordinance would allow body art establishments as long as they are 300 feet away from residences and educational institutions. She reported that the Planning Commission reviewed the ordinance and recommended that churches be included in the 300-foot buffering restriction.

Responding to questions from the Council, City Attorney Fellows provided clarification regarding the Planning Commission's action and current case law on this issue.

Robert Moest, attorney for Johnny Anderson, plaintiff in the lawsuit against the City, stated that the smattering of federal and state trial court cases that exist strongly indicate that tattooing is an expressive activity protected by the First Amendment; that he believes the court would strike down the City's ordinance; and that while a similar ordinance was upheld in South Carolina by a 4-3 vote, the dissenters felt quite strongly that the majority erred in its finding that tattooing was not protected by the First Amendment. He noted that the City's current ordinance allows the application of permanent makeup by physicians and cosmetologists who have taken a course in this procedure, so tattooing can be done in any beauty salon but it cannot be done for decorative or artistic purposes.

Mr. Moest stated that the proposed ordinance is too restrictive because the 300-foot buffering requirement sharply reduces the opportunity for someone to operate a tattoo establishment. He explained that the process is the same for both the application of permanent makeup and the application of decorative tattoos and while some people are offended by the idea of tattooing, that is not a reason to limit this type of use. He maintained that nothing has been presented which indicates that there are any ancillary problems associated with tattoo establishments. Noting that material was presented to the Planning Commission asserting that people with tattoos are more inclined to get into trouble, he conceded that tattoos are sometimes used for bad purposes as in the case of gang members, however, his client has no involvement in gang tattooing, which is often done by amateurs.

Mr. Moest reported that his client has completed a year's apprenticeship; that he has been trained and is licensed by the L.A. County Health Department; and that he has very strict rules about customers showing proper identification to ensure they are not underage. He suggested that any concerns about the effects of having a tattoo establishment in a neighborhood should be alleviated by limitations on signage and the way the business is conducted, not by banning them. He urged that the Council repeal the current ban on tattoo establishments and send the draft ordinance back to the Planning Commission to consider whether the 300-foot buffering restriction is really appropriate.

In response to Councilmember Mauno's inquiry, City Attorney Fellows confirmed that the Draft Body Art Establishment Ordinance applies to body piercing as well as tattooing.

Responding to questions from the Council, Mr. Moest provided information regarding the L.A. County certification process for tattoo artists, which emphasizes sterilization and other practices to protect the health of the customer. He indicated that cosmetologists may apply permanent makeup after taking a special course and they do not have to be certified by L.A. County. He reported that Mr. Anderson has done thousands of tattoos with no adverse impact on the health of his clients; assured the Council that he would never tattoo someone who is obviously inebriated; and suggested that the City may wish to include something in the ordinance on this issue as a safeguard. He stated that Mr. Anderson is well regarded in his field and does not want to see this ancient art form abused.

Johnny Anderson, 3720 Emerald Avenue, plaintiff in the lawsuit, stated that he wants to operate a tattoo establishment in the great city in which he lives, noting that most of his clients reside in the South Bay area. He reported that he was disheartened when he learned that the proposed ordinance restricts tattoo establishments to areas which are not suitable for this type of business, primarily the refinery and Torrance Airport.

Noting that he reviewed the Body Art Ordinance Map, Mayor Walker stated that allowable areas include a lot more properties than just the refinery and the airport.

Mr. Anderson reported on his efforts to find a place to lease, explaining that he has spent the last month trying to find a place to lease and while the small areas aside from the refinery and the airport look promising, there is really nothing available. He noted that his search was made more difficult due to the prejudice landlords have against tattoo establishments and the fact that if one corner of a property intrudes into the 300-foot buffer, the entire property is excluded. He stated that he would like to open a respectable, high-end art gallery/tattoo studio; maintained that there are a lot of shady businesses in Torrance; and questioned why tattoo parlors are subject to more restrictions than sex shops and massage parlors. He indicated that he is a reputable businessman, who complies with all regulations, and reviewed precautions taken to ensure that the procedure is safe.

Mr. Anderson agreed that the 300-foot buffer for schools and churches was appropriate, but voiced his opinion that requiring a 300-foot buffer from residences was outrageous. Noting that 25% of Americans have tattoos, he explained that those applying tattoos are formally trained artists trying to express themselves and that tattoos are no longer confined to sailors and "fallen women."

MOTION: Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

Responding to Mr. Moest's comments, City Attorney Fellows stated that there is little case authority regarding this issue and what there is at the appellate level supports the position that it is all right to ban tattooing. He clarified that while Mr. Anderson's lawsuit caused the City to take a look at the existing ordinance, the proposed ordinance is not focused on him. He noted that there is obviously a potential for abuse by practitioners who are not as committed to following health department regulations, checking identification, and refusing to tattoo someone who is inebriated. He reported that the State also draws a distinction between tattooing done by medical doctors and beauticians, both of whom receive extensive training in health practices and are licensed by the State, and tattooing done in tattoo parlors.

Referring to Mr. Moest's claim that nothing has been presented indicating that there are any ancillary problems associated with tattooing, City Attorney Fellows noted that the study included in the agenda material, *Tattooing and High-risk Behavior in Adolescents*, which was also presented to the Planning Commission, makes a reasonably strong case that there are high-risk behaviors associated with older adolescents exposed to tattooing.

With regard to the argument that the proposed ordinance is overly restrictive, City Attorney Fellows stated that it was clear that there are a reasonable number of sites available under the proposed ordinance as evidenced by the discussion of potential sites as reflected in the Planning Commission minutes and Mr. Anderson's testimony regarding the number of places he has visited. He noted that a lack of vacancies and landlords' resistance to renting to Mr. Anderson are issues over which the City has no control.

Councilmember Nowatka disputed Mr. Anderson's contention that there are "shady" businesses in Torrance. Noting his involvement in City government since 1961, he related his observation that Torrance has always been a place for families and a place where public safety is the top priority. Referring to the study, *Tattooing and High-risk Behavior in Adolescents*, he stated that he was very concerned about the study's finding that there is a statistically significant increase in high-risk behavior among young people up to 21 years of age when exposed to tattooing. He suggested that the fact that Mr. Anderson has met so much resistance from landlords could be an indication that there is a community standard and people are not in favor of changing the ordinance. He stated that if ordinance must be amended, he favored restricting the areas where body art establishments may be located because of his belief that this type of business is not healthy for the community.

Councilmember Scotto noted his agreement with Councilmember Nowatka's remarks and indicated that he was not in favor of allowing tattoo parlors in Torrance. He offered the following motion:

MOTION: Councilmember Scotto moved to concur with the staff recommendation, with the inclusion of religious facilities to the 300-foot buffering requirement. The motion was seconded by Councilmember Witkowsky, and discussion briefly continued.

Councilmember Lieu stated that he was opposed to changing the ordinance, noting that he serves as an Air Force reservist and both the U.S. Air Force and the U.S. Army have banned tattooing because of the negativities associated with it. Referring to the study, *Tattooing and High-risk Behavior in Adolescents*, he reported that the study indicates a link between tattooing and a propensity to engage in high-risk behavior, including substance abuse, violence and gang activity. He voiced his opinion that the City's ban on tattoo parlors is reasonable and could be defended in court, noting that the only state Supreme Court decision on this issue upheld the ban. He explained that he was concerned that passing the new ordinance could encourage other tattoo artists who are not as reputable as Mr. Anderson to locate in Torrance and that he favored litigating this matter and changing the ordinance only if ordered to do so.

Councilmember Mauno stated that he was not in favor of changing the City's ordinance which has been in place for generations. He reported that he found some of the behavior associated with tattooing (*Tattooing and High-risk Behavior in Adolescents*) shocking and that he was not swayed by the argument that tattooing is protected by the First Amendment. He suggested that Mr. Anderson's reference to "shady" businesses was an acknowledgement that tattoo parlors are in the same category.

For the benefit of the public, Councilmember McIntyre noted that staff conducted a survey of Southern California cities to determine how other cities regulate body art establishments and a summary of the survey, which was included in the agenda material, indicates that Glendale, Hawthorne, Hermosa Beach, Lawndale, Redondo Beach and Santa Monica do not allow this type of establishment.

Mayor Walker called for a vote on the motion. The motion failed to pass as reflected in the following roll call vote:

AYES: Councilmembers McIntyre, Scotto and Witkowsky.

NOES: Councilmembers Lieu, Mauno, Nowatka and Mayor Walker.

15. SECOND READING ORDINANCES

15A. SECOND AND FINAL READING OF ORDINANCE NO. 3660

ORDINANCE NO. 3660

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 61.10.1 OF THE TORRANCE MUNICIPAL CODE RELATED TO POSTED SPEED LIMITS WITHIN THE CITY

MOTION: Councilmember Mauno moved for the adoption of Ordinance No. 3660. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

15B. SECOND AND FINAL READING OF ORDINANCE NO. 3661

ORDINANCE NO. 3661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE (TMC) TO RECLASSIFY CERTAIN PROPERTIES LOCATED IN DIFFERENT LOCATIONS THROUGHOUT THE CITY FROM A-1 (LIGHT AGRICULTURAL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) IN ORDER TO BRING CONSISTENCY BETWEEN THE ZONING AND GENERAL PLAN LAND USE DESIGNATION

MOTION: Councilmember Mauno moved for the adoption of Ordinance No. 3661. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

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The Council met as the Redevelopment Agency from 8:50 p.m. to 8:51 p.m.

16. ORAL COMMUNICATIONS

16A. City Clerk Herbers announced that vacancies on the library and water commissions will be filled at the August 10 City Council meeting and that applications are available online at www.torrnet.com and in the City Clerks office. For additional information contact the City Clerk's office at 618.2870.

16B. City Clerk Herbers invited staff and public to view the works of Torrance Artist Guild member Robert Baldwin on display in the City Clerk's office for the month of July.

She also encouraged everyone to attend an art exhibit entitled Expressions of the Human Spirit on display June 7 through July 30, at the Katy Geissert Civic Center Library during regular library hours, with an opportunity to meet the artists on Thursday, June 24, from 6:30 p.m. – 7:30 p.m.

16C. Councilmember Lieu stated that he was pleased that the Mills Corporation has withdrawn the application for the 917-unit condominium development and about the company's decision to take a community-centered approach in determining how the site will be developed.

16D. Councilmember Lieu, with the concurrence of Council, requested that his unused travel budget be donated to the Ted Tanouye Foundation.

16E. Councilmember Mauno thanked the volunteers who made the Torrance Cultural Arts Center Foundation event in June so successful.

16F. Councilmember Mauno commented on the large turnout for the dedication of the Ted Tanouye memorial, noting that the text on the memorial details his heroism.

16G. Councilmember McIntyre echoed comments regarding the Mills Corporation application.

16H. Councilmember McIntyre stated that the dedication ceremony for the Ted Tanouye memorial was very impressive and commended Gail Morgan, who was instrumental in raising the funds for it.

16I. Councilmember Nowatka reported that he received a letter from Torrance Airport Association expressing an interest in working with the City to improve Zamperini Way and asked that staff contact them.

16J. Councilmember Nowatka, with the concurrence of Council, requested that staff look into the possibility of placing restrictions on the parking of recreation vehicles and trailers on public streets by adopting an ordinance similar to those in Oxnard and Redondo Beach.

16K. Councilmember Scotto encouraged everyone to visit the new Ted Tanouye memorial in front of Torrance High School.

16L. Councilmember Scotto commended volunteers who worked on the Torrance Cultural Arts Center gala for doing a fantastic job.

16M. Councilmember Witkowsky congratulated Councilmember Mauno for being elected as secretary of the Independent Cities Association.

16N. Referring to a recent incident involving a bacterial contamination of the water system which affected 25,000 homes on the west side of the City, Councilmember Witkowsky requested that staff look into the possibility of creating a community network of volunteers to assist in the notification of residents in the event of an emergency, noting that several affected residents were not notified of the need to boil their water until after the fact.

City Manager Jackson reported that staff will be doing a debriefing on this incident and will include this suggestion as part of the discussion.

16O. Commenting on the Ted Tanouye memorial, Mayor Walker stated that this memorial, as well as the Veterans Memorial in front of City Hall, should be a source of pride for the City. He commended Gail Morgan and her group for doing an outstanding job.

16P. Mayor Walker stated that he was shocked to learn at the Independent Cities Association conference in Rancho Bernardo that the State of California is surveying potential sites for “workforce” housing without any regard for local building codes or zoning with the goal of mandating affordable housing.

16Q. Mayor Walker requested that staff look into developing a procedure for transmitting background information about housing developments, particularly concerning the impact on traffic and schools, to the public and the Council significantly in advance of the meetings at which they will be considered.

16R. Mayor Walker commended the Mills Corporation for the way in which they have handled the controversy over the proposed housing development, noting they have already invested \$442 million in Del Amo Fashion Center and will be spending millions more to revitalize it.

16S. Mayor Walker requested that staff prepare an agenda item to consider an amendment to the City Charter requiring the general municipal election to be held on the same day as the statewide direct primary election. He suggested that this change would result in maximum voter turnout at minimum cost to Torrance taxpayers.

16T. Nancy Clinton, representing Torrance Airport Association, submitted a letter concerning improvements on Zamperini Way.

16U. Sara Guyan, resident, thanked the City for the 4th of July fireworks display; expressed concerns about neighbors who were shooting off illegal fireworks; and asked what could be done to prevent such activities in the future.

16V. Jim Lawrence, resident, reported on a drainage problem in front of his home at 4616 Sepulveda Boulevard and requested that the City consider a beautification project on Sepulveda between Leyte and Palos Verdes Boulevard.

16W. William Fowler read a letter dated November 20, 1995, from Parks and Recreation employee John Jones discussing the City's experience with Tom Peffer of Torrance Skate Association (TSA). He stated that this letter was relied upon when investors provided funding for a roof over the skating rink in 1998 and a skate park and batting cages which opened in January 2002. Commenting on financial problems that developed due to poor management of the facility, he requested that the City appoint a committee to investigate a plan to afford lenders an opportunity to recover their investment by means of a brick campaign.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 9:21 p.m., the meeting was adjourned to Tuesday, July 20, 2004 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Adjourned in Memory of Joseph V. Knapp

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on September 14, 2004